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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1172nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 August 1996, at 10 a.m.

Chairman: Mr. BANTON

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1172/Add.1.

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The public part of the meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Thirteenth periodic report of Venezuela (CERD/C/236/Add.8/Rev.1) (continued)

1. At the invitation of the Chairman, the delegation of Venezuela took places at the Committee table.

2. Mr. SUAREZ FIGUEROA (Venezuela), replying to questions raised, said that the additional information on migrant workers from the Andean countries requested by Mr. Valencia Rodriguez would be included in Venezuela's fourteenth periodic report.

3. He asked for clarification as to the exact type of additional information on bilingual education and on agrarian reform, the Committee wanted.

4. The fourteenth periodic report would include more information on the conflicts in Zulia involving indigenous groups as well as on the alleged extrajudiciary executions of 1994, which had been reported by Amnesty International and the United States Department of State. In that connection, he queried the appropriateness of quoting from the United States report in the Committee. The Venezuelan Government was of the view that no single source of information on human rights could be considered as gospel. It had consequently decided, at the beginning of 1996, to issue its own report in response to the 1995 State Department report, and to state its strong objections to negative or partial versions of events being presented as fact, without any mention of the Venezuelan Government's efforts in the area of human rights.

5. With regard to the deaths of a number of Yanomami Indians in 1993, the Government's position was that it could not accept responsibility for offences not committed by its citizens. From the end of 1989, thousands of Brazilian miners had entered the country illegally, equipped with chain-saws and drills in search of alluvial gold in a wild area where the border was undefined and where there had been no military or police presence. In addition to destroying much of the forest, they had used mercury in extracting gold, polluting rivers and killing thousands of fish. It was not surprising that they had come into conflict with the Indians, particularly the Yanomami who lived in that region. As reported to the Centre for Human Rights at the time, the Venezuelan Government had set up an immediate inquiry by a joint committee which had proved that the Brazilian miners were to blame. The matter had then been referred to the Brazilian courts and the Brazilian Government had undertaken to keep the Venezuelan Government informed of the outcome. The issue had been discussed in bilateral meetings between Venezuela and Brazil in recent years. The military presence in the area had since been increased and there had been no further conflict. The Ministry of Education was also implementing a number of programmes to protect the Yanomami Indians.

6. Mr. Garvalov had been right in observing that racial discrimination did not appear to be a widespread phenomenon or a State practice. His concern

regarding the absence of black actresses in a television series and the portrayal of Gypsies was unfounded. Black actresses appeared frequently in other series, and there no Gypsies in Venezuela.

7. In the quest for freedom and equality following the independence process of 1910-1924, the colonial baptismal registers which had required information on skin colour and social status had been destroyed. Since then no census had included a section on race, except those carried out to determine the size and situation of the indigenous populations. An attempt had been made by a conservative Government in the middle of the nineteenth century to carry out a census to establish racial origin, but had been abandoned because of the outcry which had ensued.

8. The special provisions of article 77 of the Constitution were intended to promote the rights of the indigenous population, particularly in respect of land allocation. Under article 65 of the Constitution, all citizens, including indigenous populations, enjoyed freedom of religion and culture. Those rights were also fully guaranteed in a number of other laws, decrees, and rules.

9. With regard to the question raised by Mr. de Gouttes on the revision of the Penal Code to incorporate racial discrimination as an offence, it was impossible to predict when such a reform would take place in view of the length of time required to amend civil and penal codes.

10. The Indigenous Communities, Peoples and Cultures Act would, when passed, give indigenous groups their own legislative body. The question as to whether the indigenous populations had been able to participate in the revision of article 77 (2) of the Constitution could not be answered for the time being. However, in the drafting of legislation, Venezuela's political system gave people directly affected the opportunity to be heard, with the result that significant changes in draft legislation were not unknown.

11. The Venezuelan Government had, despite its budgetary constraints, given priority to the improvement of prisons. Problems remained however, particularly from the point of view of overcrowding.

12. With regard to Mr. Ahmadu's question concerning sport, he said football was a young sport and not widely played in Venezuela. Baseball and basketball, on the other hand, were popular, as were boxing and athletics. The Houston Rockets had engaged a Venezuelan as an alternate player and an African-Venezuelan was President of the National Sports Council.

13. There was a fairly large number of African-Venezuelans in the upper echelons of the police and military services, and, in the diplomatic corps, several had reached ambassadorial level.

14. With regard to the assimilation of the indigenous populations, which had been referred to by Mrs. Zou, he said efforts were made to assimilate them gradually into the general population, while at the same time preserving their identity, and programmes had been established to ensure their political, social and economic advancement. Indigenous and non-indigenous offenders were usually held in separate prisons largely because they tended to live in

different areas, the indigenous population being more numerous in the State of Zulia. Information on prison uprisings and deaths would be given in a subsequent report.

15. Venezuela had no special courts for its indigenous populations, but provided interpreters where necessary. However, in a recent case in the Supreme Court, indigenous customary law had been upheld.

16. Regarding political participation by indigenous peoples, he said that there had been a keen interest in politics among all Venezuelans since the establishment of democracy in 1958, after the long period of denial of political expression. One of the candidates for the 1993 presidential election had been Black; he might well stand again for the 1998 election, and stood a good chance of winning. An Indian had been among the three main candidates for that same election. There were a number of Indians in the Chamber of Deputies, including one who had been parliamentary secretary of the Latin American Indigenous Parliament. The legislative assemblies of States with large indigenous populations, such as Zulia, Amazonas and Delta Amacuro, had a very high proportion of indigenous deputies.

17. It was the National Agrarian Institute that was responsible for implementing the Agrarian Reform Act, covering land distribution, expropriation and such matters. The Institute was headed by an Indian. Efforts were being made to combat expropriation of Indian lands not only by mining companies but also by large landowners and the tourist and oil industries.

18. The illiteracy rate among the indigenous population was 40.5 per cent. Regarding the number of schools, 51 per cent of the indigenous population lived in areas that were not specifically indigenous, and only 49 per cent lived in settled communities, 34.4 per cent of which had schools, usually one-teacher primary schools catering for about 40 children. In the border areas there were also schools with different teachers for the various grades. He did not know the exact number of university graduates, but he had been informed of a significant number of Indians now attending universities. They would be included in the 44.4 per cent of the indigenous population that had received an education.

19. Although the Government could not claim full success in guaranteeing the right to education for indigenous peoples, it had assumed its responsibilities and invested much time and effort in providing education and combating illiteracy among the indigenous population.

20. Owing to the current critical economic situation, inadequate access to health care was a problem shared by many Venezuelans, but was obviously particularly acute for indigenous communities in remote areas. The Committee's comments would be reported to the Government and he hoped that better news could be reported in the future.

21. He acknowledged that access to the courts was not easy, but it was feasible, and claims had been brought to court by indigenous people in recent

years, for instance over human rights and land issues. Nearly all indigenous groups had their own national or regional organizations, which helped them to defend their rights.

22. In reply to the comment that the Ministry of Education was reported to have shown no interest in implementing Decree No. 283, he conveyed the information provided by the Office of Indigenous Affairs of the Ministry of Education to the effect that the intercultural bilingual education programme established under Decree No. 283 was now being implemented in 8 States, in 259 of the 548 indigenous schools. Eighteen teachers belonging to 3 different ethnic groups were responsible for the programme, and 32 teachers had recently been trained to conduct it. The Caracas Teacher Training Institute would soon be offering a post-graduate course in indigenous culture for members of indigenous communities. It should be borne in mind that it was difficult to provide community schools for certain indigenous groups that traditionally had no fixed settlement pattern. Every effort was made to include traditional indigenous teaching practices, in addition to formal methods, in the intercultural bilingual education programme. The programme had encountered difficulties, however, because of inadequate technical backstopping and financing problems due to the budget constraints affecting all government programmes.

23. Mr. Chigovera had asked why only 17 per cent of indigenous communities owned their lands and what steps were being taken to implement agrarian reform. As an initial answer pending more detailed replies, he said that the inherited system of land distribution was highly complicated, some of it going back to the eighteenth century. It was true that the new, highly liberal republican legislation adopted since independence had not always been favourable to the indigenous population. With the passing of the Agrarian Reform Act in 1960, the National Agrarian Institute had to exercise great care to ensure that land granted to peasants did not revert to unauthorized beneficiaries. The Government and the judiciary were fully aware of their obligations regarding the complex issue of indigenous communities' land rights.

24. He was pleased to inform the Committee that Venezuela's ratification of ILO Convention No. 169 could be expected in the near future. He would inform the authorities about the question concerning the declaration under article 14 of the Convention. By and large, he agreed with Mr. Aboul-Nasr's comment on article 14. He was unable to convey his Government's position concerning the amendments to article 8 of the Convention.

25. Some concerns had been expressed about the adverse effects of fundamentalist religious missions working with indigenous communities. In Venezuela, it was the Ministry of Education that was competent to oversee the activities of such missions. The Government was fully aware of the problems involved, but the recurrent problem of budget constraints meant that it had not always been able to monitor the situation as closely as it would have wished.

26. The CHAIRMAN expressed great interest, in particular, in the Latin American Indigenous Parliament to which the representative had referred.

27. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said he hoped that the constructive dialogue with Venezuela would continue in the future. Summing up the discussion, he noted that the majority of the population was the result of a genuine mixing of races, although there was also a recognized indigenous community. Although there was no de jure racial discrimination, the existence of de facto discrimination was a situation that needed addressing. The twofold approach of assimilation and preservation of cultural identities in respect of the indigenous populations and African Venezuelans needed further clarification. The Committee's views differed from those of the Venezuelan authorities in regard to the State party's obligations under articles 4 and 6, the assumption that there was no racial discrimination in Venezuela being insufficient. It welcomed the proposal, currently before Congress, to make racial discrimination an offence, and the Government's policy of opposition to any kind of discrimination and the importance attached to the draft law on Indigenous Communities, Peoples and Cultures, which he hoped would soon be adopted. He also looked forward to the ratification of ILO Convention No. 169. He asked whether another census of the indigenous population was planned; the data it yielded would help in ascertaining which groups might need special protection and measures. He was interested to hear about the indigenous teachers who had recently qualified to conduct the intercultural bilingual education programme.

28. Regarding the implementation of article 4 of the Convention, it was clear that constitutional provisions were not sufficient to ensure that all the rights of indigenous peoples and African Venezuelans were effectively guaranteed.

29. The information provided on the right to education was welcome. Further steps were needed to bring down the rate of illiteracy among indigenous peoples. Further information would be appreciated in the next report on the intercultural bilingual education programme and on agrarian reform issues such as the land distribution and land grant system as they related to the indigenous populations.

30. He had referred to information provided in the United States Department of State report merely as a starting point for discussion. He expressed the hope that Venezuela's periodic report, the discussion with the Committee and the latter's concluding observations would be widely circulated in Venezuela, especially among the indigenous people, so as to increase their awareness of their rights and the remedies available to them.

31. The CHAIRMAN informed the Venezuelan delegation that the question of NGO sources of information was the subject of ongoing debate in the Committee. There were also various opinions on the subject of ethnic classification. However, the Committee's concluding observations, which would be forwarded to the Venezuelan authorities as soon as possible, represented the views of the Committee as a whole.

The public part of the meeting rose at 11.35 a.m.